

**AN ORDINANCE**

**02- 0-1547**

**BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT, AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO CLEAN THE PREMISES AND CLOSE THE VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON July 25, 2002**

**1019 Valley View Road, SE**

**12**

**WHEREAS**, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

**WHEREAS**, on September 27, 2001, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

**WHEREAS**, on September 27, 2001, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for human occupancy or habitation and could not be improved, repaired, or altered at a cost of fifty percent (50%) or less of the value of structures, exclusive of the foundation and lots after the improvements have been made; and

**WHEREAS**, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and /or parties in interest, an Order requiring the owner(s) and/or parties in interest demolish such structures, clean the premises and plant grass on the lot pursuant to Section 33 (3) c of the Atlanta Housing Code; and

**WHEREAS**, a period of 30 days from the date of said Order was allowed for the owner(s) and/or parties in interest to comply with the Order; and

**WHEREAS**, the owner(s) and/or parties in interest of the properties failed to comply with the Order of the In Rem Review Board within the specified time.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**SECTION 1:** That the Mayor is authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to clean the premises and close the various structures following real property, upon which structure(s) are located:

**Proper Street Address**

**1019 Valley View Road, SE**

**City Council District**

**12**

**SECTION 2:** That the Mayor is hereby authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structures, (if occupied).
- (2) Clean the premises and board the structures(s) in conformity with the In Rem Review Board's Orders.
- (3) File a lien against the real property on which the structures(s) are attached for the cost incurred.
- (4) Maintain the property in conformity with the In Rem Review Board's Order until the structure(s) are repaired or demolished.

**SECTION 3:** That the Mayor is further authorized to allow the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in **SECTION 2** of this ordinance.

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**TO WHOM IT MAY CONCERN: LIS PENDENS**

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Bankers Trust Company, as Trustee  
Vesta Holdings I as Nominee for Heartwood II

on 7-8-02 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,  
seeking relief against the following described real estate, to-wit:

All that tract of parcel of land lying and being in Land Lot 6 of the 14th District of Fulton County, Georgia, being Lot 11 of Block "C", Valley View Subdivision, as per plat recorded at Plat Book 61, Page 73, Fulton County, Georgia, Records, which plat is incorporated herein by reference and being more particularly described as follows: BEGINNING at an "x" on wall located 189.8 feet north easterly from the intersection of the right of way of Leila Lane and Valley View Road; running thence south 42 degrees 55 minutes 48 seconds east a distance of 142.5 feet to an axle found; running thence north 38 degrees 50 minutes 18 seconds east a distance of 90.0 feet to an iron pin found; running thence north 51 degrees 00 minutes 00 seconds west a distance of 140.0 feet to an iron pin found on the right of way of Valley View Road; running thence south 39 degrees 41 minutes 00 seconds west a distance of 70.0 feet to the point of beginning, being improved property known as 1019 Valley View Road, Atlanta, Georgia 30315.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: July 8, 2002

BY:

Dale S. Hargood  
Bureau of Neighborhood Conservation, Official Agent  
(404) 330-6195

BY:

Bill Castro  
Assistant Real Estate City Attorney

To Mayor's Office: Greg Pridgeon

(for review & distribution to Executive Management)

Commissioner Signature [Signature] Director Signature [Signature]

From: Originating Dept. Housing Demolition Contact (name) Dale Haygood - 6195

Committee(s) of Purview: Comm. Dvlpmt./HR Committee Deadline: August 30, 2002

Committee Meeting Date(s) Sept. 10 - Oct. 1, 2002 City Council Meeting Date: Sept. 16-Oct. 7, 2002

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1019 Valley View Road, SE 12

**BACKGROUND/PURPOSE/DISCUSSION:**

Owner(s) and/or Parties in interest at above properties did not repair or demolish the structure and clean the premises in accordance with the Atlanta Housing Code of 1987.

**FINANCIAL IMPACT (if any):** Approximately \$1,200.00

(The actual calculations are not made until the property is released to the contractor. The cost for cleaning and boarding the property is calculated for each structure depending on the number of window and door openings and the trash and debris that is removed).

**OTHER DEPARTMENT(S) IMPACTED:** \_\_\_\_\_

**Coordinated Review With:** \_\_\_\_\_

**Mayor's Staff Only**

Received by Mayor's Office: 8/26/02  
(date)

Reviewed: [Signature]  
(initials) (date)

Submitted by Council: \_\_\_\_\_  
(date)

**Action by Committee:**

☐ Approved ☐ Adversed ☐ Held ☐ Amended  
☐ Substitute ☐ Referred ☐ Other